From: US Supreme Ct - Justia Daily Opinion Summaries
To: Kutches, Brandon (SHF)
Subject: Latest 4 Cases: Virginia House of Delegates v. Bethune-Hill (Civil Procedure), Manhattan Community Access Corp. v. Halleck (Communications Law), ...
Date: Tuesday, June 18, 2019 6:05:14 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

If you are unable to see this message, click here to view it in a web browser.

Justia Daily Opinion Summaries

US Supreme Court
June 18, 2019

Table of Contents

Virginia House of Delegates v. Bethune-Hill
Civil Procedure, Election Law

Manhattan Community Access Corp. v. Halleck

Communications Law, Constitutional Law, Entertainment & Sports Law, Government & Administrative Law, Government Contracts

Gamble v. United States

Constitutional Law, Criminal Law

Virginia Uranium, Inc. v. Warren

Constitutional Law, Energy, Oil & Gas Law, Environmental Law, Government & Administrative Law

Click here to remove Verdict from subsequent Justia newsletter(s).

New on Verdict

Legal Analysis and Commentary

Federalism and State Autonomy in Operation: Florida Bans Sanctuary Jurisdictions in the State, in Sharp Contrast to California's Approach

VIKRAM DAVID AMAR

verdict post

Illinois law dean and professor Vikram David Amar contrasts Florida's recent enactment of one of the strictest measures in the country to prohibit state and local entities from becoming "sanctuary" jurisdictions with California's pro-sanctuary state laws. Amar explains this autonomy of states to enact such different laws with respect to federal laws as a product of the so-called anti-commandeering doctrine the Supreme Court has applied in three major cases over the past quarter century.

Read More

US Supreme Court Opinions

Virginia House of Delegates v. Bethune-Hill

Docket: 18-281
Opinion Date: June 17, 2019
Judge: Ruth Bader Ginsburg
Areas of Law: Civil Procedure, Election Law

After the 2010 census, Virginia redrew legislative districts for its Senate and House of Delegates. Voters sued, claiming racial gerrymandering. The House of Delegates intervened. The district court held that 11 districts were unconstitutionally drawn, enjoined Virginia from conducting elections for those districts before adopting a new plan, and gave the General Assembly several months to adopt that plan. Virginia's Attorney General announced that the state would not appeal. The Supreme Court dismissed an appeal by the House for lack of standing. To establish standing, a litigant must show a concrete and particularized injury, that is fairly traceable to the challenged conduct and is likely to be redressed by a favorable decision. Standing must be met at every stage of the litigation. To appeal a decision that the primary party does not challenge, an intervenor must independently demonstrate standing. The state itself had standing to appeal, and could have designated agents to do so, but did not designate the House to represent its interests. Under Virginia law, authority to represent the state's interests in civil litigation rests exclusively with its Attorney General. The House has consistently purported to represent only its own interests and lacks standing to appeal in its own right. A judicial decision invalidating a state law does not inflict a discrete, cognizable injury on each organ of government that participated in the law's passage. Virginia's Constitution allocates redistricting authority to the "General Assembly," of which the House constitutes only a part. The issue is the constitutionality of a concededly enacted redistricting plan, not the results of the chamber's poll or the validity of any counted or uncounted vote. Redrawing district lines may affect the chamber's membership, but the House as an institution has no cognizable interest in the identity of its members.

Read Opinion Are you a lawyer? **Annotate this case**.

Manhattan Community Access Corp. v. Halleck

Docket: 17-1702
Opinion Date: June 17, 2019
Judge: Brett M. Kavanaugh
Areas of Law: Communications Law, Constitutional Law, Entertainment & Sports Law, Government & Administrative Law, Government Contracts

New York requires cable operators to set aside channels for public access. Those channels are operated by the cable operator unless the local government chooses to operate the channels or designates a private entity as the operator. New York City designated a private nonprofit corporation, MNN, to operate public access channels on Time Warner's Manhattan cable system. Respondents produced a film critical of MNN. MNN televised the film. MNN later suspended Respondents from all MNN services and facilities. They sued, claiming that MNN violated their First Amendment free-speech rights. The Second Circuit partially reversed the dismissal of the suit, concluding that MNN was subject to First Amendment constraints. The Supreme Court reversed in part and remanded. MNN is not a state actor subject to the First Amendment. A private entity may qualify as a state actor when the entity exercises "powers traditionally exclusively reserved to the State" but "very few" functions fall into that category. Operation of public access channels on a cable system has not traditionally and exclusively been performed by government. Providing some kind of forum for speech is not an activity that only governmental entities have traditionally performed and does not automatically transform a private entity into a state actor. The City's designation of MNN as the operator is analogous to a government license, a government contract, or a government-granted monopoly, none of which converts a private entity into a state actor unless the private entity is performing a traditional, exclusive public function. Extensive regulation does not automatically convert a private entity's action into that of the state. The City does not own, lease, or possess any property interest in the public access channels.

Read Opinion Are you a lawyer? **Annotate this case**.

Gamble v. United States

Docket: 17-646

Opinion Date: June 17, 2019
Judge: Samuel A. Alito, Jr.
Areas of Law: Constitutional Law, Criminal Law

Gamble pleaded guilty under Alabama's felon-in-possession-of-a-firearm statute. Federal prosecutors then indicted him for the same instance of possession under federal law. Gamble argued that the federal indictment was for "the same offence" as the one at issue in his state conviction, exposing him to double jeopardy under the Fifth Amendment. The Eleventh Circuit and Supreme Court affirmed the denial of his motion, invoking the dual-sovereignty doctrine, according to which two offenses "are not the 'same offence' " for double jeopardy purposes if "prosecuted by different sovereigns." The dual sovereignty doctrine is not an exception to the double jeopardy right but follows from the Fifth Amendment's text. As originally understood, an "offence" is defined by a law, and each law is defined by a sovereign. Where there are two sovereigns, there are two laws and two "offences." The Court stated that "Gamble's historical evidence is too feeble to break the chain of precedent linking dozens of cases over 170 years."

Read Opinion Are you a lawyer? **Annotate this case**.

Virginia Uranium, Inc. v. Warren

Docket: 16-1275
Opinion Date: June 17, 2019
Judge: Neil M. Gorsuch
Areas of Law: Constitutional Law, Energy, Oil & Gas Law, Environmental Law, Government & Administrative Law

The company wants to mine raw uranium ore from a site near Coles Hill, Virginia. Virginia law completely prohibits uranium mining. The company alleged that, under the Constitution's Supremacy Clause, the Atomic Energy Act (AEA) preempts state uranium mining laws like Virginia's and makes the Nuclear Regulatory Commission (NRC) the lone regulator. The district court, the Fourth Circuit, and the Supreme Court rejected the company's argument. The AEA does not preempt Virginia's law banning uranium mining; the law grants the NRC extensive and sometimes exclusive authority to regulate nearly every aspect of the nuclear fuel life cycle except mining, expressly stating that the NRC's regulatory powers arise only "after

[uranium's] removal from its place of deposit in nature," 42 U.S.C. 2092. If the federal government wants to control uranium mining on private land, it must purchase or seize the land by eminent domain and make it federal land, indicating that state authority remains untouched. Rejecting "field preemption: and "conflict preemption" arguments, the Court stated that the only thing a court can be sure of is what can be found in the law itself and the compromise that Congress actually struck in the AEA leaves mining regulation on private land to the states.

Read Opinion Are you a lawyer? **Annotate this case**.

About Justia Opinion Summaries

Justia Daily Opinion Summaries is a free service, with 68 different newsletters, covering every federal appellate court and the highest courts of all US states.

Justia also provides weekly practice area newsletters in 63 different practice areas.

All daily and weekly Justia newsletters are free. Subscribe or modify your newsletter subscription preferences at daily.justia.com.

You may freely redistribute this email in whole.

About Justia

Justia is an online platform that provides the community with open access to the law, legal information, and lawyers.

Contact Us | Privacy Policy

Unsubscribe From This Newsletter

or unsubscribe from all Justia newsletters immediately **here.**

Justia | 1380 Pear Ave #2B, Mountain View, CA 94043